

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DAVID G.,¹

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 3:24-CV-01277-NJR

ORDER OF REMAND

ROSENSTENGEL, Chief Judge:

Before the Court is the parties' Joint Motion to Remand to the Social Security Administration under sentence four of 42 U.S.C. § 405(g). (Doc. 19). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See Perlman v. Swiss Bank Corp. Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of the plaintiff. *Shalala v. Schaefer*, 509 U.S. 292, 302-03 (1993).

The parties agree that, upon remand, the Appeals Council will vacate all findings in the decision entered by the Administrative Law Judge (ALJ) and remand the matter to an ALJ. On remand, the ALJ will evaluate the subjective complaints pursuant to the regulations and offer the claimant the opportunity for a hearing, take further action to complete the administrative record, obtain additional vocational expert evidence if

¹ In keeping with the Court's practice, Plaintiff's full name will not be used in this Order due to privacy concerns. See FED. R. CIV. P. 5.2(c) and the accompanying Advisory Committee Notes.

warranted, and issue a new decision.

While recognizing that the agency has a full docket, the Court urges the Commissioner to expedite this case on remand.

For good cause shown, the parties' Joint Motion to Remand (Doc. 19) is **GRANTED**. The final decision of the Commissioner of Social Security denying Plaintiff's application for social security disability insurance benefits is **REVERSED** and **REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to sentence four of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of Plaintiff.

IT IS SO ORDERED.

DATED: October 30, 2024



NANCY J. ROSENSTENGEL
Chief U.S. District Judge